

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LEONARD K. BAYLIS,)
)
 Plaintiff,)
)
 v.) Civ. No. 06-11-SLR
)
 STANLEY TAYLOR, et al.,)
)
 Defendant(s).)

O R D E R

At Wilmington this 2d day of June, 2006.

On May 8, 2006, plaintiff Leonard K. Baylis, a prisoner incarcerated at the Delaware Correctional Center, Smyrna, Delaware, filed a document entitled "supplemental complaint with included motion for restraining order and an addition of defendants." (D.I. 34) Plaintiff makes two requests in the filing. He seeks to amend his complaint to add as defendants Warden Thomas Carroll and Counselor Italia. He also moves for injunctive relief advising the court that his life has been threatened by his cellmate, that the staff is doing nothing to protect him, and seeks a transfer to mental health so that he "may be allowed to function without threat." Defendant Stanley Taylor opposes the motion and plaintiff filed a response to the opposition. (D.I. 36, 41)

Plaintiff's response states that he wishes to add Warden Thomas Carroll and Counselor Italia as defendants for their "non-action to serious and legitimate complaints that left unguarded

will and has cost plaintiff measurable repercussions to his well being and safety." (D.I. 41) He reiterates his request for injunctive relief and also asks for appointed counsel to "better ensure clarity and placement of issues . . . and to better ensure that the truth will more likely be exposed where both sides are equally represented." Id.

IT IS ORDERED THAT:

1. The motion to amend the complaint to add Warden Thomas Carroll and Counselor Italia is DENIED WITHOUT PREJUDICE. Plaintiff's is given leave to file a motion to amend, but any newly filed motion to amend must contain a copy of the proposed amended complaint containing sufficient facts to apprise the court of the exact nature of the claim against the proposed defendants.

2. Defendants shall file a response to plaintiff's motion for injunctive relief (D.I. 34) on or before **June 15, 2006**. Plaintiff may file a reply on or before **June 22, 2006**.

4. The motion for appointment of counsel is DENIED WITHOUT PREJUDICE. At this juncture in the case, plaintiff has shown that he is able to clearly articulate the alleged facts and issues. See Montgomery v. Pinchak, 294 F.3d 492, 499 (3d Cir. 2002); Tabron v. Grace, 6 F.3d 147, 155 (3d Cir. 1993).


UNITED STATES DISTRICT JUDGE